

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

MARY ANN CASTLEBERRY

CASE NO. 10-70011-HDH-13

AKA1:
DBA1:
SS#1: xxx-xx- 0970

AKA2:
DBA2:
SS#2:

REPORT OF 341 MEETING

I. 341 MEETING REPORT:

A. Orig. Date: 2/9/2010 Orig. Time: 12:00 PM Reset Date: Reset Time:

B. Meeting Results: Adjourned

C. Debtor(s): Debtor 1 Appeared

D. Attorney for Debtor(s): Appeared

E. Creditor Appearance: None

F. Amount Paid to the Trustee as of 2/9/2010 \$1,363.00 First Payment Due Date: 2/13/2010

G. File Trustee's Motion to Dismiss because

H. B22C Information: B22C Form is: Complete
Budgeted Income: \$8,552.37 Expense: \$7,189.56 Surplus: \$1,362.81
Plan Payment: \$1,363.00 Monthly Plan Term(Months): 60

I. Value of Non-Exempt Property: \$59,749.77 Proposed Amount to Unsecured Creditors: \$0.00
Objection to Exemption of:
Repeat Filing (If case dismissed, it should be with prejudice) Previous Case Numbers:
Object to Invoke Stay Pleading
Case Converted from Chapter 7, Bar Date Set: 5/10/2010 Date Converted from Chapter 7:

J. Required Information: Good

K. Business Information:

L. Object to Confirmation: Yes
FYI: \$286,351 Hardacre amount comes into play if an objection is filed
Sch A fails to list the correct secured claim amounts
Sch B fails to include all assets
Sch B fails to correctly value assets
Sch D fails to list 7527 FM 1763 mortgage
Non-exempt can't be determined until Sch A, B, C, & D are amended
Feasibility until non-exempt property figure is determined
Sch I fails to include all income
Sch J lists excessive expenses
Plan fails to list 7527 FM 1763 mortgage
Texoma CCU's \$30,602.23 secured claim is under secured & direct
Debt servicing multiple properties & vehicles at a loss
Failure to include all disposable income

M. Financial Management Class: Debtor 1 Appeared

N. Eligibility:
Certificate of Credit Counseling Filed: Debtor 1
Credit Counseling Provider Approved: Yes
Debt Limits Exceeded (Secured-\$1,010,650; Unsecured-\$336,900): No

O. Domestic Support Obligation: \$0.00 Current: Arrears: \$0.00
Affidavit and Disclosure of Domestic Support Obligations Received: Yes

P. Remarks: Questions
-Final divorce decree yet?

No, will be 2/16/10.

- Settlement amount & property division.
- Exempting 7591 FM 1763 under TexPropCode, but she does not live on the property-eq
- Mrs is renting a home at 2520 Paradise, but exempting 7591 FM 1763
- She will get equity out of 7591 FM 1763 -- per Ben Greene this is fine.
- Sch A fails to list the correct secured claim amounts
- Sch A scheduled amounts are much higher than plan scheduled amounts
- Sch A, Sch D, and plan schedule amounts do not match; unable to determine equity in properties.
- Sch B fails to correctly value assets
- Waggoner Nat'l-4806 \$3054 - her name only
- Waggoner Nat'l-7048 \$2,867 - her name only - not listed on Sch B
- Sch B fails to include all assets
- Livestock, 98 3/4 ton Chevy, Bobcat, Peterbilt Truck, & Cattle Trailer are not listed.
- all are found on the tax returns
- Sch D fails to list 7527 FM 1763 mortgage.
- Non-exempt can't be determined until Sch A, B, C, & D are amended.
- Sch I fails to include all income.
- If Mrs is only going to rent & keep the 10 Edge she should show everything else as direct.
- Sch I should show Mr paying for all other property or show income from the properties.
- Acknowledge non-exempt property figure.
- Sch J lists excessive expenses
- National Standard for 1 is \$2,152
- Sch J is \$7,189.56-3,198.60=\$3,990.96
- Plan fails to list 7527 FM 1763 mortgage
- Texoma CCU's \$30,602.23 secured claim is under secured & direct
- Debt servicing multiple properties & vehicles at a loss.
- Trustee will not allow the 3 properties or the 2 extra vehicles to be retained at a loss.
- How will the real & personal property be distributed?

Objections

- FYI: \$286,351 Hardacre amount comes into play if an objection is filed
- Exempts: Exempting 7591 FM 1763 under TexPropCode, but debtor does not live on the property -- will not pursue objection to exemptions
- Sch A fails to list the correct secured claim amounts
- Sch B fails to include all assets
- Sch B fails to correctly value assets
- Sch D fails to list 7527 FM 1763 mortgage
- Non-exempt can't be determined until Sch A, B, C, & D are amended
- Feasibility until non-exempt property figure is determined
- Sch I fails to include all income
- Sch J lists excessive expenses
- Plan fails to list 7527 FM 1763 mortgage
- Texoma CCU's \$30,602.23 secured claim is under secured & direct
- Debt servicing multiple properties & vehicles at a loss
- Failure to include all disposable income

Dated: 2/9/2010

/s/ Walter O'Cheskey

Standing Bankruptcy Trustee

By: Brent Hagen

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Case Number:	10-70011
Debtor:	Castleberry
Attorney:	MJW
Presiding Officer:	Brent Hagan
Calculation Date:	2/9/2010 9:40

Domestic Support Input name from Plan	Arrears Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Secured Creditor/Collateral Input name from Plan	Value/Claim Amount Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Priority Creditor Input name from Plan	Value/Claim Amount Enter amount from Plan		Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
IRS	\$2,861.55		6	\$476.93	\$2,861.55
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00

Attorney Fees Paid Through the Plan	\$2,699.00				\$2,699.00
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Noticing Fees	\$94.00				\$94.00
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Clerk Filing Fees	\$0.00				\$0.00
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Hardacre Minimum	\$0.00	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; padding-left: 10px;"> <div style="display: flex; justify-content: space-between;"> <----- Greater Of -----> </div> </div> </div>			
Chapter 7 Minimum (Gross)	\$59,749.77				
Less Trustee Fees	\$5,974.98				
Less Attorney Fees	\$2,699.00				
Less Noticing Fees	\$94.00				
Less Clerk Filing Fees	\$0.00				
Less Scheduled Priority Claims	\$2,861.55				
Less Other (Explain Below)	\$0.00				
Chapter 7 Minimum (Net)	\$48,120.24	<-----			

Total Scheduled General Unsecured Claims (Limits Greater of Hardacre or Chapter 7 Minimum)	\$112,954.90
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Calculated Base (Admin, Secured, Priority, DSO, Lower of Minimum or Sched U/S & Trustee Fee)	\$59,739.33
Debtor Plan Base (Monthly Payment X Term)	\$81,780.00
Surplus (Debtor Plan Base - Calculated Base)	\$22,040.67

Comments:

\$286,351 Hardacre if objection is filed

Case Number:	0
Debtor:	0
Attorney:	0
Presiding Officer:	0
Calculation Date:	2/9/2010 9:40

Schedule I Gross Income		\$9,021.24
Less Line 57 B22C		\$4,248.71
Adjustments (Enter as positive to add, negative to subtract)		
Adjustment out		(\$4,772.53)
Month Disposable Income Available		\$0.00
Multiplier		60
Minimum to Unsecureds		\$0.00

Comments: